

AO 93 (Rev. 11/13) Search and Seizure Warrant

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of

4 SD Cards and 1 Flash drive recovered from  
Juan Rosales' residence and currently in the  
custody of the Rapid City Police Department)  
)  
)  
)

Case No. 5:19-mj-138

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (identify the person or describe the property to be searched and give its location):

4 SD Cards and 1 Flash drive recovered from Juan Rosales' residence and currently in the custody of the Rapid City Police Department

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crime in violation of 18 U.S.C. § 922(g) and 21 U.S.C. § 841.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before December 5, 2019 (not to exceed 14 days)

☒ in the daytime 6:00 a.m. to 10 p.m. ☐ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.  
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

☐ I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 11-21-19 9:10am



Judge's signature

City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate

Printed name and title

cc AUSA Patterson and Agent

**Return**

Case No.:

5:19-mj-138

Date and time warrant executed:

Copy of warrant and inventory left with:

Inventory made in the presence of :

Inventory of the property taken and name of any person(s) seized:

**Certification**

I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Executing officer's signature*\_\_\_\_\_  
*Printed name and title*

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

In the Matter of the Search of:

Case No. 5:19-mj-138

4 SD Cards and 1 Flash drive recovered from  
Juan Rosales' residence and currently in the  
custody of the Rapid City Police Department

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (*identify the person or describe the property to be searched and give its location*):

4 SD Cards and 1 Flash drive recovered from Juan Rosales' residence and currently in the custody of the Rapid City Police Department

located in the District of South Dakota, there is now concealed (*identify the person or describe the property to be seized*):

4 SD Cards and 1 Flash drive recovered from Juan Rosales' residence and currently in the custody of the Rapid City Police Department

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

## Code Section


18 U.S.C. § 922(g)(1)  
21 U.S.C. § 841

## Offense Description

Possession of a Firearm by a Prohibited Person  
Distribution of a Controlled Substance


The application is based on these facts:

- ☒ Continued on the attached affidavit, which is incorporated by reference.  
☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.  
☐ Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached affidavit.  
☐ Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached affidavit.

  
 Applicant's signature

 Chad Sayles, ATF Task Force  
 Printed name and title
Sworn to before me and: ☒ signed in my presence.☐ submitted, attested to, and acknowledged by reliable electronic means.

Date: 11-21-19

  
 Judge's signature
City and state: Rapid City, SD
 Daneta Wollmann, U.S. Magistrate  
 Printed name and title



UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

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IN THE MATTER OF THE SEARCH OF:  
4 SD Cards and 1 Flash drive recovered  
from Juan Rosales' residence and  
currently in the custody of the Rapid  
City Police Department

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CASE NUMBER: 5:19-mj-138

**AFFIDAVIT IN SUPPORT OF  
SEARCH WARRANT  
APPLICATION**

State of South Dakota    )  
  ) ss  
County of Pennington    )

I, Chad Sayles, being duly sworn, states as follows:

1. I am a Detective with the Rapid City Police Department, and currently assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as a Task Force Officer (TFO). I have been employed with the Rapid City Police Department since 2009 and assigned to the ATF Task Force since 2016. Prior to my employment with the Rapid City Police Department, I was employed with the South Dakota Game Fish and Parks as a Conservation Officer. During that time, I have attended and completed a twelve-week basic Law Enforcement certification course in South Dakota. I have also attended and completed a one-week ATF Task Force Officer training in Washington D.C. I attended Black Hills State University and graduated with a Bachelor's Degree in Science. Currently, my responsibilities are to investigate the use, transportation, distribution, and manufacture of illegal drugs and firearms. I have also interviewed several

drug/firearms users and dealers regarding the manner in which they conduct business and have become familiar with their techniques.

2. The information set forth below is based upon my knowledge of an investigation conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the investigation of other law enforcement agents and officers including, but not limited to, South Dakota Division of Criminal Investigation (DCI), the Rapid City Police Department, and the Pennington County Sheriff's Office. I have not included every fact obtained pursuant to this investigation, but have set forth those facts that I believe are essential to establish the necessary probable cause for the criminal complaint. I have not omitted any material fact relevant to the consideration of probable cause for the location and items described below.

ITEMS TO BE SEARCHED FOR AND SEIZED:

3. I make this affidavit in support of an application for a search warrant for four (4) SD Cards and one (1) Flash Drive seized from the residence belonging to Juan Rosales during the execution of a search on June 20, 2019, and currently in the custody of the Rapid City Police Department. The SD Cards and Flash Drive were located inside a locked SentrySafe within a bedroom of the residence.

4. I submit there is probable cause to search for evidence, fruits, and instrumentalities of the a violation of criminal law, including 18 U.S.C. § 922(g)(1) and 21 U.S.C. § 841.

5. The applied-for warrant would authorize the examination of the SD Cards and Flash Drive for the purpose of identifying electronically stored data.

DEFINITIONS

6. Based on my training and experience, I use the following technical terms to convey the following meanings:

- a. *Computer Hardware:* The term “computer hardware” means all equipment that can receive, capture, collect, analyze, create, display, convert, store, conceal, or transmit electronic, magnetic, or similar computer impulses or data. Computer hardware includes any data-processing devices (including, but not limited to, central processing units, internal and peripheral storage devices such as fixed disks, external hard drives, floppy disk drives and diskettes, and other memory storage devices such as video gaming systems, electronic music playing devices, and mobile phones); peripheral input/output devices (including, but not limited to, keyboards, printers, video display monitors, modems, routers, scanners and related communications devices such as cables and connections), as well as any devices, mechanisms, or parts that can be used to restrict access to computer hardware (including, but not limited to, physical keys and locks).
- b. *Storage Medium:* The term “storage medium” refers to any physical object upon which computer data can be recorded. Examples

include hard disks, RAM, floppy disks, flash memory, CD-ROMs, and other magnetic or optical media.

- c. *Visual Depictions*: “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image. See 18 U.S.C. § 2256(5).

#### PROBABLE CAUSE

5. On June 20, 2019, South Dakota State Parole Agent Brian Green and agents with the South Dakota Unified Narcotics Enforcement Team (UNET) met with Juan Rosales after receiving information Rosales was involved in the distribution of methamphetamine. Rosales was on parole at the time for a prior felony conviction and was being supervised by Parole Agent Green.

6. On June 20, 2019, after meeting with Rosales, Parole Agent Green and agents with DCI conducted a search of Rosales’ residence on Monroe Street in Rapid City, South Dakota.

7. During the course of the search, officers located numerous items of drug paraphernalia, including multiple scales, scale weights, jeweler bags, and glass pipes, as well as \$500 cash and three jeweler bags containing methamphetamine. Law enforcement also located a locked SentrySafe within a bedroom of the residence. Rosales was asked the combination to the safe, but claimed he did not know the combination. Contact was made with Misty Randles, who also resided in the residence, and Randles claimed to not know the combination to the safe.

8. Law enforcement forced entry inside the safe. Located inside the safe was a Ruger, model SR40, .40 caliber semi-automatic pistol, bearing serial number 342-45761. Law enforcement ran a check on the firearm and discovered it had been reported stolen.

9. Law enforcement also located notebooks in the safe that contain names and phone numbers and what appear to law enforcement to be drug information. Also located inside the safe were four SD Cards and 1 Flash Drive.

10. Your affiant believes the SD Cards and Flash Drive may contain information about ownership or possession of the safe and who had access to its contents.

#### **LIMIT ON SCOPE OF SEARCH**

11. I submit that if during the search, agents find evidence of crimes not set forth in this affidavit, another agent or I will seek a separate warrant.


#### **CONCLUSION**

12. Based on the foregoing, your affiant respectfully requests a warrant for the search of the following electronic device: four (4) SD Cards and one (1) flash drive located inside the SentrySafe and currently in the custody of the Rapid City Police Department for the crimes of 18 U.S.C. § 922(g) (possession of a firearm by a prohibited person), and 21 U.S.C. § 841 (distribution of a controlled substance).




Further your affiant saith not.

Dated: 11/21/19

  
Chad Sayles  
Detective, Rapid City Police  
Department; ATF Task Force Officer

SUBSCRIBED and SWORN to  
dw in my presence  
\_\_\_\_\_ by reliable electronic means

this 21st day of November, 2019.

  
DANETA WOLLMANN  
U.S. MAGISTRATE JUDGE